



agriculture, forestry & fisheries

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REPUBLIC OF SOUTH AFRICA

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Forestry Regulations & Support

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Attention: Ms. Carina Boonzaaier

DRAFT BASIC ASSESSMENT REPORT 2 (DBAR): COMMENTS FOR THE PROPOSED CAPACITY UPGRADES TO THE N3 FROM PARADISE VALLEY (N3 SECTION 1 KM 17.5) TO KEY RIDGE (N3 SECTION 2 KM 2.8), INCLUDING PROVISION OF ACCESS FOR CONSTRUCTION BELOW UMHLATHUZANA VIADUCT, ETHEKWINI METROPOLITAN MUNICIPALITY (INNER WEST), KWAZULU-NATAL.

The Department of Agriculture, Forestry and Fisheries (DAFF) appreciates the opportunity given to review and comment on the DBAR for the above mentioned development. DAFF through the sub-directorate Forestry Regulations and Support is the authority mandated to implement and administer the National Forests Act, (Act No. 84 of 1998) as amended, by regulating the use of natural forests¹ and protected tree species in terms of the said Act. The purpose of the Act is to

¹ "Natural forest" means a group of indigenous trees-

- (a) whose crowns are largely contiguous; or
- (b) which have been declared by the Minister to be a natural forest under section 7(2); (xxviii)

promote sustainable forest management and the development of forests for the benefit of all.

With reference to the above-mentioned document received on the 12th February 2020, the developer proposes to upgrade existing sections of the N3 national road between the Paradise Valley interchange and the Key Ridge interchange within the eThekweni Municipality, KwaZulu-Natal. There are various vegetation types which are found within the development footprint namely the Eastern Scarp Forest, transitional forest and woodland, grassland, KwaZulu-Natal Sandstone Sourveld, as well as Coastal Forest. Majority of the site is currently transformed due to anthropogenic activities such as infrastructure (roads) and industries. However, there are remnants of indigenous forests as well as protected tree species (*Podocarpus henkelii* and *Sclerocarya birrea* subsp. *caffra*) in terms of the NFA, occurring along/within the road reserve and adjacent areas. Although the upgrade will be restricted to the road reserve, in some sections, the road reserve may need to be extended into existing forests due to the currently existing road reserve being fully utilized.

Natural forests are protected in terms of NFA provisions. Such as, Section 3(3)(a) of the NFA states that: natural forests must not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits. The term “exceptional circumstance” indicates situation that are unusual or rare. In this case it refers to capital projects of national and provincial strategic importance. Where forests are affected by such projects, it must first be proven beyond doubt that these are in the strategic national or provincial interest, and secondly that no feasible alternative is available. If unavoidable, an off-set agreement must be reached to compensate for the loss, and all feasible mitigation measures must be taken to minimize the impact (Policy Principles and Guidelines for Control of Development Affecting Natural Forests). In addition, KZN Northern Coastal Forest are endangered therefore, listed as a threatened ecosystem while Eastern Scarp Forests and Riverine forests are categorized as vulnerable therefore, listed as protected ecosystems in terms of the NEMBA.

The proposed upgrade will have a significant negative impact on sensitive vegetation including the various types of natural forests. South African Coastal and indigenous forests are decreasing at a rapid rate, the isolated nature as well the natural fragmentation of these forests make them vulnerable to anthropogenic pressure and thus the conservation of these biomes is of great importance.

Majority of the natural forest destruction will occur within the uMhlatuzana River as a result of the access road and the actual viaduct. A significant portion of the coastal and scarp forest will be heavily distracted due to the upgrade. Should the development be approved DAFF recommends that the conditions stipulated below should strictly be adhered to and incorporated in the Environmental Management Plan as well as the Environmental Authorization:

- a) The disturbance of the natural forests should be restricted to the development footprint and working area.
- b) All the forested area that do not form part of the development footprint as well as the working area and do not interfere with the normal functioning of the road must be avoided and retained even if they form part of the road reserve.
- c) All disturbed areas that are no longer in use should be rehabilitated using indigenous trees which are endemic to the area. Rehabilitation should be conducted in a progressive manner (i.e. once construction in an area has been completed the area must be rehabilitated). The rehabilitation of the area with indigenous vegetation must coincide with suitable weather events and all alien invasive vegetation shall be removed.
- d) Within and in proximity to riparian areas, successful re-vegetation is crucial to stabilize soil and limit infestation by alien invasive plant species.
- e) Construction sites and any temporary access roads should be successfully rehabilitated to its preconstruction state or better as soon as the construction activities and planning allow. Furthermore, clearing of natural forests for construction camp site is not permitted.
- f) Indigenous vegetation must be rescued as much as possible and all transplantable trees ought to be transplanted to a suitable location. The vegetation rescue including transplanting during site establishment must be re-established under the guidance of a qualified personnel.
- g) Existing tracks should be utilized as much as possible to minimize destruction of indigenous vegetation/forests.
- h) The forested areas that will be impacted upon should be quantified in terms of hectares as well as the species that will directly be impacted upon.
- i) Progress of vegetation establishment must be monitored regularly. If sites show slow recovery further investigations may be required to ensure site recovery and integrity as well as physical stability of riparian areas.
- j) Prior the commencement of any activities that will result to the disturbance of any natural forest and/or protected tree species in terms of the NFA, a tree licence application must be submitted to DAFF office in Pietermaritzburg for reviewing and processing.

Should any further information be required, please do not hesitate to contact this office. This letter does not exempt you from considering other legislations.

Yours faithfully

N. Sontangane



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Senior Forester: KZN Forestry Management